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EXHIBIT 1  
DATE 1-24-07  
HB 378

## House Business and Labor Committee

### House Bill 378

### Board of Nursing Home Administrators January 24, 2007

For the record, I am Rose Hughes. I'm the Executive Director of the Montana Health Care Association, an association representing nursing homes and assisted living facilities throughout the state of Montana.

In order to be the administrator of a skilled nursing facility (nursing home) you must be licensed. The Board of Nursing Home Administrators was established by law in 1969 to license and set standards of practice for nursing home administrators.

We support House Bill 378.

The 2005 legislature passed SJR 35, which called for a study of professional and occupational licensing boards. We participated in the meetings of the subcommittee and various work groups. One of the things identified in the study was that the board of nursing home administrators was one of a few boards whose statutes did not state a public health and safety reason for its existence. This caused us to take a hard look at our board statutes, and we found some issues we believe should be addressed. This bill addresses each of the issues.

Specifically, this bill does the following:

1. New Section 1 adds a statement of the need for the board by describing the public health, welfare and safety issues involved in providing care to frail, elderly citizens of Montana. That rationale is that because we serve the frail elderly - a population considered vulnerable - it is important to be sure the individuals running our facilities and licensed and meet appropriate standards.
2. Section 2-15-1735 is amended to add an additional nursing home administrator to the

*MHCA...providing leadership and empowerment  
within the long term care continuum  
through education, advocacy, information  
and support to our members.*

Board. This board is one of a very few boards that have a minority of the regulated profession on the board. By adding one more administrator to the board, there will be 3 administrators, 2 allied health professionals and 1 public member on the board. This is important because the whole purpose of licensing boards is self-regulation - these boards are about the regulated profession regulating itself.

In addition to providing better balance on the Board, adding an administrator will also help with the work load. It will allow two licensed nursing home administrators to serve on the "screening panel" and one licensed administrator to serve on the adjudication panel. Currently, there are two administrators on the screening panel but no administrators on the adjudication panel - because you cannot be a member of both panels.

3. Section 2-15-1735 is also amended to change the word "may" to "must" to clarify that there MUST be nursing home administrators on the board. The statute currently says there "may" be no more than 2 nursing home administrators on the board - which permits there to be NO administrators on the board. All other licensing boards we looked at require a certain number of the licensed profession to be on the board. Again, having members of the regulated profession on the board is part of having each profession regulate itself.

We believe HB 378 is a simple, straight forward bill, that updates our licensing law and clarifies some issues that need to be clarified. We urge you to support HB 378.

**2-15-1735. Board of nursing home administrators.** (1) There is a board of nursing home administrators.

(2) The board consists of five voting members appointed by the governor with the consent of the senate. No more than two members may be nursing home administrators. One member shall represent the public at large and must be 55 years of age or older at the time of appointment. The other two members must be representatives of professions or institutions concerned with the care of chronically ill and infirm aged patients and may not be from the same profession or have a financial interest in a nursing home.

(3) The director of the department of public health and human services or the director's designee is an ex officio, nonvoting member of the board.

2005 MCA

(4) Each appointed member shall serve for a term of 5 years. Any vacancy occurring in the position of an appointive member must be filled by the governor for the unexpired term.

(5) Appointive members may be removed by the governor only for cause.

(6) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

**History:** (1) thru (5) En. Sec. 2, Ch. 363, L. 1969; amd. Sec. 1, Ch. 434, L. 1973; amd. Sec. 2, Ch. 483, L. 1973; amd. Sec. 1, Ch. 153, L. 1974; Sec. 66-3102, R.C.M. 1947; amd. and redes. 82A-1602.17 by Sec. 306, Ch. 350, L. 1974; amd. Sec. 1, Ch. 95, L. 1975; Sec. 82A-1602.17, R.C.M. 1947; (6) En. 82A-1602 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 10, Ch. 250, L. 1973; amd. Sec. 1, Ch. 285, L. 1973; amd. Sec. 1, Ch. 57, L. 1974; amd. Sec. 1, Ch. 58, L. 1974; amd. Sec. 1, Ch. 84, L. 1974; amd. Sec. 1, Ch. 99, L. 1974; amd. Sec. 354, Ch. 350, L. 1974; Sec. 82A-1602, R.C.M. 1947; R.C.M. 1947, 82A-1602(part), 82A-1602.17(1) thru (6); amd. Sec. 1, Ch. 163, L. 1979; amd. Sec. 4, Ch. 244, L. 1981; amd. Sec. 7, Ch. 247, L. 1981; MCA 1979, 2-15-1611; redes. 2-15-1845 by Sec. 4, Ch. 274, L. 1981; amd. Sec. 9, Ch. 418, L. 1995; amd. Sec. 12, Ch. 546, L. 1995; Sec. 2-15-1845, MCA 1999; redes. 2-15-1735 by Sec. 221(2), Ch. 483, L. 2001.

#### **Cross-References**

Application of Montana Administrative Procedure Act to licensing, 2-4-631.

Disasters and emergencies — emergency reciprocity for persons licensed out of state, 10-3-204.

General duties of boards, 37-1-131.

Licensure of former criminal offenders, Title 37, ch. 1, part 2.

General provisions relating to health care practitioners, Title 37, ch. 2.

Nursing home administrators, Title 37, ch. 9.

Nondiscrimination in licensing, 49-3-204.

**MONTANA STATE HEALTH OCCUPATION BOARDS - QUALIFICATIONS  
2007**

<b>Name</b>	<b>MCA Section</b>	<b>Total Members</b>	<b>In Regulated Profession</b>	<b>In Related Field</b>	<b>Public Members</b>	<b>State Agency or Other</b>
<b>Alternative Health Care Board</b>	2-15-1730	6	4	1	1	0
(a) 2 persons (total 4) from each of the health care professions regulated by the board						
(b) 1 public member						
(c) 1 member who is a licensed Montana physician						
<b>Board of Medical Examiners</b>	2-15-1731	11	9	0	2	0
(a) 5 doctors of medicine						
(b) 1 doctor of osteopathy						
(c) 1 licensed podiatrist						
(d) 1 licensed nutritionist						
(e) 1 member who is a licensed physician assistant						
(f) 2 members of the general public						
<b>Board of Dentistry</b>	2-15-1732	10	8	0	2	0
(a) 5 licensed dentists						
(b) 1 licensed dentist						
(c) 2 licensed dental hygienists						
(d) 2 two public members						
<b>Board of Pharmacy</b>	2-15-1733	6	4	0	2	0
(a) 3 licensed pharmacists						
(b) 1 registered pharmacy technician						
(c) 2 public members						
<b>Board of Nursing</b>	2-15-1734	9	7	0	2	0
(a) 4 registered professional nurses						
(b) 3 licensed practical nurses						
(c) 2 public members						
<b>Board of Nursing Home Administrators</b>	2-15-1735	5	2	2	1	0
(a) no more than 2 nursing home administrators						
(b) 1 public member						
(c) 2 representatives of professions concerned with the care of chronically ill and infirm aged patients						
Note: DPHHS Director is an ex officio non-voting member						
<b>Board of Optometry</b>	2-15-1736	4	3	0	1	0
(a) 3 registered optometrists						
(b) 1 public member						
<b>Board of Chiropractors</b>	2-15-1737	4	3	0	1	0
(a) 3 chiropractors						
(b) 1 public member						

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<b>Name</b>	<b>MCA Section</b>	<b>Total Members</b>	<b>In Regulated Profession</b>	<b>In Related Field</b>	<b>Public Members</b>	<b>State Agency or Other</b>
<b>Board of Radiologic Technologists</b>	2-15-1738	7	5	1	1	0
(a) 1 licensed radiologist (b) 1 licensed physician who employs at least 1 person granted a board permit (see 37-14-306) (c) 1 person granted a board permit under 37-14-306 (d) 1 public member (e) 3 licensed radiologic technologists						
<b>Board of Speech-Language Pathologists &amp; Audiologists</b>	2-15-1739	5	4	0	1	0
(a) 2 licensed speech-language pathologists (b) 2 licensed audiologists (c) 1 public member						
<b>Board of Hearing Aid Dispensers</b>	2-15-1740	7	5	0	2	0
(a) 1 w/certificate of qualification from American Board of Otolaryngology (b) 2 licensed hearing aid dispensers w/ national certification in audiology and master's degrees (c) 2 licensed dispenser & fitters (d) 2 public members						
<b>Board of Psychologists</b>	2-15-1741	6	4	0	2	0
(a) 2 licensed psychologists in private practice (b) 1 licensed psychologist in public health (c) 1 licensed psychologist engaged in teaching (d) 2 public members						
<b>Board of Social Work Examiners and Professional Counselors</b>	2-15-1744	7	6	0	1	0
(a) 3 licensed social workers (b) 3 licensed professional counselors (c) 1 public member						
<b>Board of Physical Therapy Examiners</b>	2-15-1748	5	3	1	1	0
(a) 3 physical therapists (b) 1 licensed physician (c) 1 public member						
<b>Board of Occupational Therapy Practice</b>	2-15-1749	5	3	0	2	0
(a) 3 licensed occupational therapists (b) 2 public members						

MONTANA STATE HEALTH OCCUPATION BOARDS - QUALIFICATIONS  
2007

Name	MCA Section	Total Members	In Regulated Profession	In Related Field	Public Members	State Agency or Other
<b>Board of Respiratory Care Practitioners</b>	2-15-1750	5	3	1	1	0
(a) 3 respiratory care practitioners						
(b) 1 licensed physician						
(c) 1 public member						
<b>Board of Clinical Laboratory Science Practitioners</b>	2-15-1753	5	3	1	1	0
(a) 1 licensed physician						
(b) 3 licensed clinical laboratory science practitioners						
(c) 1 public member						
<b>Average=</b>		<b>6.29</b>	<b>4.47</b>	<b>0.41</b>	<b>1.41</b>	<b>0.00</b>